



ADOPTING FAIR, EFFICIENT AND WORKABLE RULES FOR THE 1670-1675 MHz BAND  
*Reallocation NPRM, WT Docket No. 02-08*

In adopting rules for the licensing and use of the 1670-1675 MHz band, the Commission should ensure that:

- The spectrum is quickly put to its most efficient use
- Licensees have maximum opportunity to create robust, viable services for the greatest possible number of end users
- Its technical rules provide necessary protection without hindering innovation
- License term and renewal rules allow the Commission the requisite oversight as Congress requires

The record in this proceeding supports, sometimes unanimously, the following rules for this band:

- Application of the Part 27 regime
- Licensing of the full 5 MHz block
- Flexible licenses to permit both commercial and private use
- Rejection of band managers
- Broad applicant eligibility, subject only to Section 310 foreign ownership restrictions
- Permission for geographic partitioning and spectrum disaggregation
- Ten-year license term and renewal expectancy based on “substantial service”

The Commission should also adopt rules consistent with the following:

- Nationwide licenses provide the most value for the spectrum and are most likely to create viable value-added services.
  - Opponents of nationwide licensing, specifically NTCA and RTG, provide no indication that any rural carrier has indicated a need or a proposed use for the 1670-1675 MHz band.
  - Nationwide coverage is more likely to encourage rural deployment than piecemeal licensing by service area.
  - Rural telcos are free to form a coalition to bid on a nationwide license.
- The proposed two-tiered structure for small business bidding credits is sufficient to ensure meaningful auction participation; public safety bidding credits are unnecessary and are inconsistent with the notion of commercial spectrum.
  - The 1670-1675 MHz band has been designated as commercial spectrum under Section 309, making special treatment of supposed “public safety” services anomalous.
  - A public safety bidding credit, as proposed, will provide unfair advantage to certain participants, despite the fact that several proposed services have public safety applications.
- Technical rules should be clearly determined well in advance of the auction in order to permit applicants to plan service networks and obtain accurate spectrum valuation.
  - Technical rules determine the utility of the band within the geographic scope of the license.
  - Technical rules for this band must unambiguously protect extremely sensitive adjacent-band services without needlessly restricting the commercial utility of the band.
  - Protected radioastronomy sites should be clearly identified as those specified in footnote US311 in Section 2.106 of the FCC Rules. Protection criteria for protected radioastronomy sites should be those set forth in ITU Recommendation ITU-R RA.769.1, as recommended by the National Academy of Sciences.
  - Protected radiosonde sites should be clearly identified as those operated by NWS and by DOD. Radiosonde site relocation should be permitted following a bilateral coordination process taking into consideration both commercial and government operations. Protection criteria for protected radiosonde sites should be those of the NTIA Spectrum Reallocation Final Report, NTIA Special Publication 95-32, Appendix C.
  - In-band emissions limits should be 2 kW EIRP for fixed stations, 4 W EIRP for mobile/portable stations.